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SUMMARY RECORD OF THE 64th MEETING

Chairman: Mr. SRIVIHOK (Thailand)
(Vice-Chairman)

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In the absence of Mr. Cissé (Senegal), Mr. Srivihok (Thailand), Vice-Chairman, took the Chair.

The meeting was called to order at 10.55 a.m.

AGENDA ITEM 97: ADVANCEMENT OF WOMEN (continued) (A/C.3/49/L.65, L.67, L.70 and L.72)

1. The CHAIRMAN said that none of the draft resolutions before the Committee had programme budget implications.

Draft resolution A/C.3/49/L.65, entitled "Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women"

2. Mr. SAHRAOUI (Algeria), speaking on behalf of the Group of 77, said that, following informal consultations, the Group of 77 wished to propose a number of revisions to the draft resolution. Paragraph 24 should be revised to read "... for the smooth conclusion of the regional preparatory meetings, the results of which constitute important inputs ...". Paragraph 35 would become paragraph 32, and the words "a mechanisms for" would be deleted. Existing paragraphs 32 and 33 would be replaced by a new paragraph 33, reading "Invites United Nations bodies and specialized agencies and other relevant intergovernmental organizations to consider making concrete commitments and specifying actions to meet the global priorities for the advancement of women by the year 2000 which will be reflected in the Platform for Action". Paragraph 34 would be reworded to read "Invites Member States similarly to consider specific action which they could take in their own countries to bring about change by the year 2000".

3. Draft resolution A/C.3/49/L.65, as orally revised, was adopted.

Draft resolution A/C.3/49/L.67, entitled "International Research and Training Institute for the Advancement of Women

4. Ms. NEWELL (Secretary of the Committee) announced that Algeria, Bangladesh, Côte d'Ivoire, Egypt, India, Pakistan and Turkey had become sponsors of the draft resolution.

5. Draft resolution A/C.3/49/L.67 was adopted.

6. Mr. FITSCHEN (Germany), speaking on behalf of the European Union, said that the procedure referred to in paragraph 5 of the draft resolution should be regarded as exceptional and not constituting a precedent with regard to appointments, which were the prerogative of the Secretary-General.

7. Ms. BUCK (Canada) endorsed the position taken by the European Union.

8. Mr. NERVIK (Norway) said that it was not the most appropriate time to urge the Secretary-General to appoint a Director of the International Research and Training Institute for the Advancement of Women (INSTRAW) if the Institute was to be merged with the United Nations Development Fund for Women (UNIFEM). Given the negative impact of the uncertainty surrounding the future of INSTRAW, the situation should be resolved by the end of the year.

9. Mrs. JONG (Netherlands) supported the statements made by the representatives of Germany and Norway and said that her delegation had joined in the consensus reluctantly. In any event, adoption of the draft resolution should not prejudge the outcome of discussions on the status of INSTRAW.

Draft resolution A/C.3/49/L.70, entitled "Violence against women migrant workers"

10. Ms. NEWELL (Secretary of the Committee) announced that Afghanistan, Belgium, Cape Verde, Colombia, Dominican Republic, Ecuador, the Marshall Islands, Namibia, Nigeria, Pakistan, Peru, Portugal, Spain, and Zimbabwe had become sponsors of the draft resolution.

11. Mrs. LIMJUCO (Philippines) said that paragraph 5 should be revised to read:

> "Invites States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and in ensuring health and social services for them, adopting specific measures to address those problems, setting up as necessary appropriate mechanisms ...".

12. Draft resolution A/C.3/49/L.70, as orally revised, was adopted.

Draft resolution A/C.3/49/L.72, entitled "Improvement of the status of women in the Secretariat"

13. The CHAIRMAN said that Afghanistan, Antigua and Barbuda, Argentina, Armenia, Bahamas, Burkina Faso, Colombia, Côte d'Ivoire, Ecuador, El Salvador, Germany, Ghana, Kenya, Malaysia, Mongolia, Mozambique, Namibia, Nepal, New Zealand, Niger, Nigeria, Pakistan, the Philippines, Poland, Portugal, South Africa, Thailand, Ukraine, the United Kingdom, the United States of America, Uzbekistan, Yemen and Zimbabwe had become sponsors of the draft resolution.

14. Draft resolution A/C.3/49/L.72 was adopted.

15. Ms. MURUGESAN (India) said that the concept of equitable geographical distribution had not been adequately addressed in the draft resolution.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/49/L.31/Rev.1)

Draft resolution A/C.3/49/L.31/Rev.1, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights"

16. The CHAIRMAN said that the draft resolution had no programme budget implications and announced that Argentina, Bulgaria, New Zealand and Romania had become sponsors.

17. Ms. BUCK (Canada) drew the Committee's attention to a number of changes to the draft resolution. The third preambular paragraph should be revised to read "Conscious of the importance of coordination of human rights promotion and protection activities of United Nations bodies whose activities deal with human rights". The fourth preambular paragraph should be deleted. In the seventh preambular paragraph the words "Welcoming also" should be replaced by the words "Noting with appreciation". In the tenth preambular paragraph the words "conclusions and recommendations" should be replaced by "reports" and the words "held since 1988" should be replaced by "from 1988 to 1993".

18. Paragraph 1 should be amended to read: "Welcomes the submission of the report of the persons chairing the human rights treaty bodies of their fifth meeting, held at Geneva from 19 to 23 September 1994, and takes note of their conclusions and recommendations". Paragraph 11 should be replaced with the following paragraph: "Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments". In paragraph 16 the word "Endorses" should be replaced by "Takes note of". Paragraph 21 should be replaced by the following text:

> "Welcomes all appropriate measures the human rights treaty bodies may take within their mandates in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights as well as the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests that the High Commissioner for Human Rights, acting within his mandate, coordinate and consult throughout the United Nations system in this regard".

19. Draft resolution A/C.3/49/L.31/Rev.1, as orally revised, was adopted.

20. Mr. LINDGREN (Brazil) said that his delegation's support for the draft resolution reflected Brazil's commitment to the effective implementation of international human rights instruments and its recognition of the need to enforce reporting obligations. His delegation appreciated the concerns that had led the chairpersons of treaty bodies to study possible ways of exerting influence and taking urgent measures to prevent the occurrence of massive human

rights violations. However, it was important that the treaty bodies should restrict themselves to tasks that lay within their mandates.

21. Ms. HORIUCHI (Japan) said that Japan attached great importance to the activities of the human rights treaty bodies and recognized the need to enhance their efficiency, in particular by the introduction of computerization. However, that objective in no way undermined the important functions of the High Commissioner for Human Rights.

22. In its resolution 1994/19, the Commission on Human Rights had requested the Secretary-General to perform some of the tasks requested of the High Commissioner for Human Rights in paragraphs 5 (a), 17, 18 and 20 of the draft resolution just adopted. In her delegation's view, it was important to avoid such duplication.

23. Ms. MURUGESAN (India) said that the Committee must adopt stricter procedures to ensure that all delegations had an adequate opportunity to participate in the drafting of resolutions, thereby averting the need for last-minute amendments to the text.

24. Mr. FERNANDEZ PALACIOS (Cuba) said that he hoped that the sponsors of the draft resolution had taken due note of the concerns raised by many delegations regarding certain elements of the draft text and that they would refrain in the future from introducing elements that jeopardized the consensus that was so vital for the promotion and protection of human rights. He also stressed the need for the human rights treaty bodies to respect the limits of their mandates. Lastly, his delegation, too, would have preferred greater transparency and consultation when the draft resolution was being prepared.

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/49/L.39/Rev.1, L.40 and L.51/Rev.1)

Draft resolution A/C.3/49/L.39/Rev.1, entitled "Decade for Human Rights Education"

25. The CHAIRMAN said that the draft resolution had no programme budget implications and announced that Belarus, Cyprus, Guyana, Mauritius and Portugal had become sponsors.

26. Mrs. CASTRO de BARISH (Costa Rica) said she was pleased to note that her delegation's amendments had been fully incorporated into the final text of the draft resolution. It was unfortunate, however, that the French text employed the word "enseignement", rather than the broader term "éducation". She requested that the term should be changed before the draft resolution was included in the Committee's report for transmission to the General Assembly in plenary meeting.

27. Ms. KABA (Côte d'Ivoire) endorsed the remarks made by the representative of Costa Rica and said that she had made a similar request the previous year. She pointed out that the word "éducation" was used in article 26, paragraph 2, of the Universal Declaration of Human Rights.

28. Draft resolution A/C.3/49/L.39/Rev.1, as orally revised, was adopted.

29. Mr. ISUI (Japan) said that although his delegation had joined in the consensus on the draft resolution it had some reservations about the text because it believed that Member States should have been given an adequate opportunity to comment on the Plan of Action for the United Nations Decade for Human Rights Education prior to its adoption.

Draft resolution A/C.3/49/L.40, entitled "Human rights and terrorism"

30. The CHAIRMAN said that the draft resolution had no programme budget implications and announced that Costa Rica, the Dominican Republic, El Salvador, Honduras, Kazakhstan, Mauritius, the Sudan, Tunisia, Ukraine, Uzbekistan and Venezuela had become sponsors and that Uruguay had withdrawn its sponsorship.

31. Mr. GÜVEN (Turkey) informed the Committee of a number of changes that had been made to the draft resolution. In paragraph 1, the words "which constitute human rights violations" should be replaced by the words "as activities" and the words "human rights" should be inserted after the words "destruction of". In paragraph 2, the phrase "in accordance with international standards of human rights" should be moved to come after the words "and effective measures", with a comma inserted after the word "measures". In paragraph 4, the word "possible" should be inserted before the word "establishment", and in paragraph 6, the word "related" should be deleted and the word "particular" replaced by the word "appropriate". Lastly, paragraph 7 should be deleted.

32. The changes had been made in order to accommodate the wishes of all the sponsors and to preserve the vitally important consensus on that issue. The draft resolution was without prejudice to the right of peoples under colonial or alien domination or foreign occupation to take any legitimate action in accordance with the Charter of the United Nations to realize their inalienable right to self-determination. However, it could not be construed as authorizing any act which would undermine the territorial integrity or political unity of sovereign States.

33. Ms. STRÖM (Sweden), speaking on behalf of the Nordic countries, said that they were not opposed to the draft resolution; they condemned terrorism in all its forms and supported all measures to combat it in accordance with international law and recognized human rights standards. There was now a broad agreement in the international community on many aspects of terrorism, in particular that all acts of terrorism, whether committed at the national or international level, were illegal. The assertion that acts of terrorism as such constituted human rights violations could not be supported because the distinction between acts attributable to States and criminal acts which could not be so attributed was an important one: only acts attributable to States

could be classified as human rights violations. The fact that the Nordic countries were joining in the consensus did not mean that that important distinction had been properly reflected in the draft resolution.

34. Mr. COLOMA (Chile) said that Chile endorsed the draft resolution but believed that respect for human rights was essentially an institutional matter. Therefore, the assertion that acts of terrorism committed by criminal groups constituted human rights violations might have serious consequences for the international system for the protection of human rights, since it diluted the responsibility of States.

35. Draft resolution A/C.3/49/L.40, as orally revised, was adopted.

36. Mr. KUEHL (United States of America) said that his delegation had joined in the consensus but believed that the discussion of United Nations activities relating to terrorism should be consolidated in the Sixth Committee.

37. Mr. KHAN (Pakistan) said that Pakistan condemned all acts of terrorism and supported international cooperation to combat terrorism. While his delegation would have preferred a clearer enunciation in the draft resolution of the principle of the right to self-determination of peoples living under colonial or other alien domination or occupation, which had been consistently reflected in the resolutions of the General Assembly and had been endorsed by the Movement of Non-Aligned Countries at its Jakarta summit in September 1992, it had decided to join in the consensus in view of the sponsors' assurance that the draft text did not prejudice that right.

38. Mr. MUCH (Germany), speaking on behalf of the States members of the European Union and Austria, said that those States condemned terrorism and were ready to strengthen international cooperation to fight it. They also reiterated their sympathy for States and individuals victims of terrorism. It was in that spirit that they had joined in the consensus on the draft resolution despite their serious reservations.

39. A careful distinction must be made between acts attributable to States and criminal acts which were not so attributable: only acts attributable to States should be regarded as human rights violations. The assertion contained in paragraph 7 of the draft resolution could not therefore be supported. It was regrettable that the draft resolution departed in that essential point from the consensus language agreed at the 1993 World Conference on Human Rights. The fact that the text spoke about human rights violations perpetrated by terrorist groups did not confer on terrorists any status under international law.

40. The United Nations human rights machinery was not the most appropriate setting for the consideration of terrorism. While it was natural that human rights bodies should keep the general context in mind when examining a country's human rights situation, the existence of terrorism could not justify human rights violations by the State. Such violations must remain the focus of the human rights machinery. Similarly, while victims of terrorism deserved assistance, the European Union and Austria had serious reservations about the

establishment of a voluntary fund for victims of terrorism within the human rights context.

41. Ms. MORGAN (Mexico) said that Mexico condemned all acts of terrorism and therefore supported the draft resolution. The Mexican Government recognized that acts of terrorism impeded the enjoyment of human rights, but it shared the concern raised by other delegations regarding the link established in the draft resolution between acts of terrorism and human rights violations.

42. Mr. MADID (Syrian Arab Republic) said that his delegation had joined in the consensus on the draft resolution. Syria had always condemned all forms of terrorism whether committed by individuals or States and had consistently called for the adoption of measures to combat terrorism. However, the draft resolution must not be interpreted as prejudicing the struggle for independence of peoples living under foreign occupation. The Syrian Arab Republic had in fact called for the convening of an international conference on terrorism to establish that point. It believed that the resistance of the Arab people living under Israeli occupation represented a legitimate struggle endorsed by international law and the Charter of the United Nations.

43. Mr. PARSHIKOV (Russian Federation) said that the Russian Federation had joined in the consensus on the draft resolution despite its serious doubts about the extent to which terrorism was linked to human rights violations. It condemned all acts of terrorism and believed that international cooperation to combat terrorism should be strengthened under the auspices of the United Nations. He agreed with the representative of the United States of America that questions of terrorism should be discussed in the Sixth Committee.

Draft resolution A/C.3/49/L.51/Rev.1 entitled "Strengthening the role of the United Nations in enhancing the effectiveness of periodic and genuine elections and the promotion of democratization"

44. The CHAIRMAN said that the draft resolution had no programme budget implications. He pointed out that Norway had been omitted in error from the list of sponsors and announced that Andorra, Azerbaijan, El Salvador, Guatemala, Liechtenstein, Malta, the Marshall Islands, the Niger, Nigeria, Poland, Portugal, Sierra Leone, the former Yugoslav Republic of Macedonia and Uzbekistan should be added to the list.

45. Mr. KUEHL (United States) said that in the seventh preambular paragraph the phrase "and civilian police", which had been erroneously included in the revised version of the draft resolution, should be deleted.

46. Mr. BIGGAR (Ireland) said that his delegation would have preferred the retention of the phrase, since civilian police had made big contributions to the conduct of elections. However, it believed that a reference to civilian police was implicit in the paragraph and had therefore remained a sponsor of the draft resolution.

47. Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation would abstain in the vote on the draft resolution and explain its position to the General Assembly in plenary meeting.

48. Ms. FENG Cui (China) said that her delegation would abstain in the vote on the draft resolution and explain its position to the General Assembly in plenary meeting.

49. A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen, Zambia.

Against: None.

Abstaining: China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan, Swaziland, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

50. Draft resolution A/C.3/49/L.51/Rev.1, as orally revised, was adopted by 142 votes to none, with 14 abstentions.

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/49/L.43)

Draft resolution A/C.3/49/L.43, entitled "Situation of human rights in Myanmar"

51. The CHAIRMAN said that the draft resolution had no programme budget implications. He pointed out that the Russian Federation had been included in the list of sponsors in error and announced that Argentina, Lithuania, Mauritius, South Africa and the United States of America should be added to the list.

52. Mr. MRA (Myanmar) said that his country had witnessed many positive developments since the adoption of General Assembly resolution 48/150 on the Situation of human rights in Myanmar. Most important were: the renewed, legal participation of 13 armed groups in the democratization process; the dialogues between the Government of Myanmar and both the Secretary-General of the United Nations and the European Union; the reconciliation process begun with Daw Aung San Suu Kyi; and the significant progress which had been achieved in the National Convention. Accordingly, the draft resolution should be more balanced and reflect the positive nature of those developments.

53. His delegation's views on resolution 48/150 were set out in document A/C.3/49/15. It had been his country's consistent policy to cooperate fully with the United Nations, and he noted that the Secretary-General's report (A/49/716) welcomed the beginning of Myanmar's dialogue with the Organization, although it also stated that the first phase of the dialogue had not so far produced the results hoped for.

54. Unfortunately, the draft resolution before the Committee still retained much negative language. He could not accept its unsubstantiated and politically motivated allegations of human rights violations, torture, arbitrary executions, forced labour, forced relocations, politically motivated arrests and detentions and restrictions on fundamental freedoms. Concern had also been expressed in the draft resolution at the lack of progress made in the National Convention. In fact, consensus had been reached among Convention participants on the 15 chapter headings on the 104 fundamental principles of the State, as well as on the chapters on State, State structure and the Head of State, and such substantive progress should be recognized. He understood the anxiety expressed in some quarters that there should be a timetable for the National Convention, but wished to reiterate that the State Law and Order Restoration Council (SLORC) would not prolong the Convention unnecessarily. Delays were due to the desire to achieve consensus on all issues.

55. Allegations regarding forced labour reflected a lack of understanding of Myanmar's culture. Voluntary work for the good of the community was traditional and did not amount to forced labour or a violation of human rights.

56. He drew the Committee's attention to document A/49/594/Add.1, which contained the Government of Myanmar's response to the allegations contained in the draft resolution. With regard to paragraph 19 of the draft resolution, it

was his delegation's understanding that the Secretary-General should exercise his role in a manner consistent with Article 2, paragraph 7, of the Charter of the United Nations. The process of national reconciliation was a matter that fell within Myanmar's internal domestic jurisdiction.

57. He expressed appreciation for the goodwill borne towards his country by many delegations and for the attempts that had been made to produce a more balanced draft text, which had convinced his delegation not to request a vote on the draft resolution.

58. Ms. AL-HAMAMI (Republic of Yemen) said her delegation would take the position it had taken in the two preceding years. Since its establishment, the Republic of Yemen had been careful to develop policies which respected human rights. It had chosen the path of democracy, and the constitution guaranteed citizens the exercise of their legitimate rights and their social, economic and political freedom. Yemen had ratified most international conventions on human rights and condemned any human rights violations, wherever they were carried out. In some cases, however, human rights were politicized to serve the ends of certain countries in a manner unrelated to human rights instruments, and that led to a selective approach to human rights.

59. Her delegation therefore stressed the need to respect national sovereignty, peoples and their laws and religious principles, as well as the need for non-interference in the internal affairs of States and a uniform approach to human rights. Such an approach would strengthen and safeguard human rights, and would lead to the establishment of international relations based on mutual respect and shared interests. Because of her country's belief in the basic principle of human rights, and because it did not wish to be exposed to political pressure or contradictory and selective positions, her delegation would not be voting on any of the draft resolutions on the situation of human rights in specific States, with the exception of those on which there was consensus or for which there was widespread support.

60. Draft resolution A/C.3/49/L.43 was adopted.

61. Ms. HORIUCHI (Japan) welcomed the adoption of the draft resolution and applauded the efforts of the countries that had sponsored it. The adoption of the draft resolution represented a crystallization of the international community's concern with regard to the situation in Myanmar. She hoped the Government of Myanmar would continue to improve the human rights situation in that country, cooperate with the United Nations and move ahead with the democratization process.

The meeting rose at 1.05 p.m.